



## Interview Summary: Royal Canadian Mounted Police

Commissioner Brenda Lucki  
Deputy Commissioner Michael Duheme  
Deputy Commissioner Dwayne McDonald  
Deputy Commissioner Curtis Zablocki  
Deputy Commissioner Brian Brennan  
Liam Price, Director General

This witness summary should be read in conjunction with the Royal Canadian Mounted Police (“RCMP”)’s Institutional Report.

On September 7, 2022, Commission counsel Shantona Chaudhury, Yves Côté, Gordon Cameron, Eric Brousseau, and Misha Boutilier interviewed six senior RCMP officials: Commissioner Brenda Lucki, Deputy Commissioner Michael Duheme, Deputy Commissioner Dwayne McDonald, Deputy Commissioner Curtis Zablocki, Deputy Commissioner Brian Brennan, and Director General Liam Price. Questions about this summary should be directed to Ms. Chaudhury.

Text contained in square brackets are explanatory notes provided by Commission Counsel to assist the reader.

### Background

#### *RCMP Role and Structure*

The RCMP is a federal police force composed of more than 19,000 police officers and over 11,000 civilians and public servants. It provides several types of policing services, including federal policing services, frontline community policing services pursuant to contracts with other levels of government, and specialized and technical police services within the RCMP and to law enforcement partners. The RCMP provides community policing services pursuant to contracts with each province and territory of Canada, except Ontario and Quebec, and with over 150 municipalities. The RCMP has 15 divisions: 13 provincial and territorial divisions, National Division, and a Training Division.

#### *Role of Commissioner Lucki*

Commissioner Brenda Lucki is the Commissioner of the RCMP and was serving in that role during the Freedom Convoy movement in January and February 2022. As Commissioner, she has control and management over the RCMP and oversees all its members.



During the Freedom Convoy, Commissioner Lucki's role and the role of RCMP's National Headquarters ("**NHQ**") was to lead the RCMP's efforts overall and to ensure that all RCMP divisions were supported and obtained the resources that they needed. Commissioner Lucki briefed Minister Mendicino on Freedom Convoy-related events, both directly and through his Chief of Staff. She also briefed the National Security and Intelligence Advisor, Jody Thomas, as well as deputy ministers and assistant deputy ministers ("**ADMs**") at Public Safety Canada, Transport Canada, and the Canada Border Services Agency ("**CBSA**"). She briefed the members of the Incident Response Group ("**IRG**"). During these briefings, she provided situational awareness on protests and blockades across Canada, especially where the RCMP was the police of jurisdiction, such as at the Coutts, Pacific Highway, and Emerson ports of entry ("**POEs**"). Commissioner Lucki did not brief federal officials on active investigations, such as the RCMP investigation into firearms and related offences at Coutts, Alberta. In addition to briefing federal officials, Commissioner Lucki interacted frequently with Ottawa Police Service ("**OPS**") Chief Peter Sloly, OPS Interim Chief Steve Bell, and Ontario Provincial Police ("**OPP**") Commissioner Thomas Carrique.

#### *Role of Deputy Commissioner Duheme & Mr. Price*

Deputy Commissioner Michel Duheme is responsible for the RCMP's Federal Policing program. Three RCMP divisions report to him: National Division, which conducts federal policing in Ottawa; O Division, which conducts federal policing in the rest of Ontario; and C Division, which conducts federal policing in Quebec. He explained that there are three principal federal policing activities: (1) Federal Policing Criminal Operations ("**FPCO**"), (2) Intelligence and International Policing ("**FPI&IP**"); and (3) National Security and Protective Services ("**FPNSPP**"). FPCO is responsible for transnational serious and organized crime, cyber crime, border integrity, and financial crime. In terms of border security, the RCMP is responsible for policing Canada's international borders between POEs. The RCMP shares responsibility for border integrity with CBSA, which is responsible for POEs. Federal Policing's national security and protective responsibilities include criminal investigations involving threats to national security; providing protection to the Prime Minister, Governor General of Canada, Chief Justice of Canada, foreign embassies in Canada, and visiting dignitaries; and, ensuring security at certain major events.

Deputy Commissioner Duheme said Federal Policing was involved in providing protective policing services in the National Capital Region from an early stage during the Freedom Convoy. He coordinated the RCMP's provision of those protective services with OPS through National Division and the National Capital Region Command Centre ("**NCRCC**"). He led the RCMP's national gold-silver-bronze ("**GSB**") command structure in February 2022, when the RCMP's involvement in the response to the Freedom Convoy in Ottawa expanded beyond protective policing. He regularly briefed Commissioner Lucki on the situation in Ottawa.

Deputy Commissioner Duheme has a limited role in relation to the Parliamentary Protective Service. PPS is distinct from the RCMP. The Director of PPS, an RCMP officer, administratively reports to the Deputy Commissioner Duheme, through the Commanding



Officer of National Division. He explained that PPS was created in 2015 by merging the House of Commons Security Service, the Senate Protective Service, and the RCMP officers then-responsible for policing the grounds of the Parliamentary Precinct. RCMP trains PPS officers and Deputy Commissioner Duheme served as PPS's initial director. The PPS Director does not report to the RCMP chain of command on operational matters.

Liam Price is Director General for the International Specialized Services at the RCMP, which is a component area of Federal Policing reporting to Deputy Commissioner Duheme. In this role, he oversees the RCMP's international liaison work, the RCMP's participation in international peace operations, the RCMP's participation in INTERPOL and EUROPOL, and RCMP international information sharing with other police agencies. During the Freedom Convoy, he served as the RCMP's bronze commander for international matters and worked with Global Affairs Canada and communications staff on international messaging about the Freedom Convoy. He also monitored other global developments such as the lead up to Russia's invasion of Ukraine. Like many program areas, he redeployed some of his staff to support the RCMP's GSB command structure for the Freedom Convoy.

#### *Role of Deputy Commissioner Brennan*

Deputy Commissioner Brian Brennan oversees the RCMP's Contract and Indigenous Policing program. He is responsible for emergency preparedness and Emergency Response Team preparedness as well as other areas of policy development. The RCMP divisions in the four Atlantic provinces, Saskatchewan, and Manitoba report to him.

Deputy Commissioner Brennan explained that the RCMP's contract policing relationships with provincial governments are governed by Provincial Police Services Agreements ("PPSAs"). Article 9 of each PPSA permits the RCMP to move resources between provincial and territorial divisions. He observed that the RCMP has used Article 9 transfers frequently over the last several years, including in response to fishery disputes in Atlantic Canada, the Portapique mass casualty event in Nova Scotia, Pope Francis's visit to Canada, and recent mass stabbings at the James Smith Cree Nation in Saskatchewan.

During the Freedom Convoy, Deputy Commissioner Brennan liaised with federal government officials at the ADM level, primarily with Public Safety Canada. He also ensured that the RCMP's provincial and territorial divisions were being briefed on events in Ottawa to ensure situational awareness.

#### *Roles of Deputy Commissioners McDonald and Zablocki*

Deputy Commissioner Dwayne McDonald is Commanding Officer for the RCMP's E Division in British Columbia and oversees its approximately 8,000 uniformed members and 11,000 total staff. E Division is the RCMP's largest division. It provides community policing services to 73% of British Columbia's population and over 99% of its land mass



pursuant to contracts with the Province of British Columbia, municipalities, and First Nations. E Division also provides federal policing services in British Columbia.

During the Freedom Convoy, Deputy Commissioner McDonald managed multiple border protests, rolling convoys, and road blockades, including at the Pacific Highway POE in Surrey, British Columbia. He established a GSB command structure to govern E Division's response to these incidents. He liaised with British Columbia government officials, the Vancouver Police Department, and the Victoria Police Department. He also provided RCMP officers and subject matter experts to the RCMP's K Division in Alberta to assist with the response to the blockade of the Coutts POE. Similarly, he provided officers and subject matter experts to the RCMP's National Division to assist with the response to the Freedom Convoy in Ottawa.

Deputy Commissioner Curtis Zablocki is Commanding Officer for RCMP's K Division in Alberta and oversees its 3300 uniformed members and 5000 total staff. K Division provides community policing services pursuant to contracts with the Province of Alberta and 47 Alberta municipalities. It also delivers federal policing services in Alberta. During the Freedom Convoy, Deputy Commissioner Zablocki oversaw K Division's response to the blockade of the Coutts, Alberta POE. He briefed Commissioner Lucki and Alberta government ministers on the events at Coutts, established a GSB command structure for the blockade, and joined operational briefings on RCMP's response to the blockade.

## Pre-Arrival Intelligence Collection, Sharing, and Assessments

### *RCMP Role in Intelligence Collection on the Freedom Convoy*

Deputy Commissioner Duheme stated that the RCMP had observed frustration with the government vaccination requirements and other government decisions fester during 2021. The RCMP observed an uptick in threats to Prime Minister Trudeau, federal ministers, and Chief Public Health Officer of Canada Theresa Tam over the course of 2021.

Deputy Commissioner McDonald stated that the RCMP learned on January 20 that the Freedom Convoy would be departing British Columbia for Ottawa. Officers from E Division's Division Liaison Team ("**DLT**"), which works closely with the Community Incident Response Group ("**CIRG**"), began engaging with Freedom Convoy participants and E Division began gathering information on the Freedom Convoy around that date.<sup>1</sup> Deputy Commissioner Duheme stated that the RCMP continued to gather open-source intelligence on the Freedom Convoy as it proceeded through western Canada towards

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<sup>1</sup> Deputy Commissioner McDonald explained that the CIRG and DLT are similar to teams in other RCMP and to what OPP and OPS refer to as the Police Liaison Team ("**PLT**").



Ottawa. Commissioner Lucki and Deputy Commissioner Brennan observed that RCMP divisions and municipal police departments also began reporting on local trucker protests.

Deputy Commissioner Duheme and Commissioner Lucki stated that the OPP assumed the lead intelligence role and became the police of jurisdiction when the Freedom Convoy crossed the Manitoba-Ontario border. At this time, the RCMP's intelligence focus was on the RCMP's protective policing mandate in the National Capital Region. Mr. Price stated that on January 27, 2022, RCMP IMCIT asked him to gather intelligence on international links to the Freedom Convoy.

*Intelligence Sharing within RCMP and Between RCMP and Other Intelligence Partners*

The RCMP began to share intelligence internally and with other intelligence partners shortly after it learned that the Freedom Convoy would be travelling to Ottawa. Deputy Commissioner Zablocki stated that he began to share information that K Division was gathering with the RCMP's National Division, other RCMP divisions, and provincial and municipal partners around January 20. As other RCMP divisions began reporting on the Freedom Convoy and Freedom Convoy-related protests, Deputy Commissioner Duheme explained that he ensured that reporting from each RCMP division's intelligence officer was combined into a single document and provided to Commissioner Lucki. Commissioner Lucki stated that she engaged the established Chiefs of Police roundtable to foster communication between municipal police departments and the RCMP.

Deputy Commissioner Duheme stated that the RCMP created and led a Combined Intelligence Group ("CIG") on January 28 to coordinate intelligence with federal, provincial, and local partners. OPS, OPP, the Canadian Security Intelligence Service ("CSIS"), CBSA, the Sûreté du Québec, the Service de police de la ville de Gatineau, and the Sécurité Publique MRC des Collines-de-L'Outaouais and others participated in the CIG. Commissioner Lucki explained that it was common practice to establish CIGs for large events. Deputy Commissioner Duheme explained that the RCMP shared information with the OPP through the CIG, and that the OPP subsequently included that information in intelligence reports.

Deputy Commissioner Duheme was not aware of Project Hendon, an OPP-led intelligence sharing network reporting on the Freedom Convoy, until after the Convoy arrived in Ottawa. He did not receive Project Hendon reports or request them from OPP before the Freedom Convoy's arrival in Ottawa – nor would it have been his role to do so. He observed that the OPP may have shared Project Hendon reports with RCMP officers at the bronze and silver levels of command. Mr. Price noted that RCMP analysts below the bronze level of command were receiving Project Hendon reports in January 2022 and that information from those reports would have been fed to higher levels of command through regular briefing processes, though not necessarily tagged as Project Hendon-derived material. Deputy Commissioner Duheme stated that as the Freedom Convoy continued, Commissioner Carrique began holding Ontario Association of Chiefs of Police briefings at which OPP provided Project Hendon intelligence updates to Ontario police chiefs.





### *RCMP Intelligence Assessments of the Freedom Convoy*

Deputy Commissioner Duheme stated that the Ideologically Motivated Criminal Intelligence Team (“**IMCIT**”) of the RCMP’s Federal Policing National Intelligence program developed a strategic threat advisory. He observed that this strategic threat advisory would have been shared with the federal government and law enforcement partners. Mr. Price observed that IMCIT prepared intelligence reports on the Freedom Convoy before its arrival in Ottawa and during its time in Ottawa.

Commissioner Lucki and Deputy Commissioners McDonald and Brennan discussed their understanding of intelligence about Freedom Convoy protestors’ intent during the interview. Deputy Commissioner McDonald observed that Freedom Convoy participants disseminated consistent social media messaging that they would not leave Ottawa until all public health mandates were lifted. However, Deputy Commissioner Brennan stated that the RCMP had concerns about the reliability of this social media messaging, because many protest groups used social media messaging as a diversion. Commissioner Lucki commented that the Freedom Convoy had a number of different organizing groups and that they were not all on the same page. While some of them indicated that their intent was to conduct a slow-roll protest and then leave Ottawa, others were silent or did not engage with police.

Commissioner Lucki and Deputy Commissioner Duheme expected that some protestors might stay in Ottawa beyond the January 29-30 weekend until Monday, January 31 because Parliament was not in session over the weekend but returned to session on January 31.

### *RCMP Role in Briefing Federal Government on Intelligence*

Commissioner Lucki stated that she provided joint ministerial briefings to several ministers before the Freedom Convoy arrived. Public Safety Minister Mendicino, Minister of Emergency Preparedness Bill Blair, Minister of Transport Omar Alghabra, and Minister of Intergovernmental Affairs Dominic LeBlanc participated in these briefings regularly, and the Privy Council Office (“**PCO**”) then-Interim Clerk Janice Charette and Ms. Thomas sometimes joined as well. Commissioner Lucki stated that the first briefing took place on, January 26, 2022. She began giving more regular joint ministerial briefings around January 27-28. Her early briefings were primarily directed to ministers.

Deputy Commissioner Duheme stated that updates were shared with the interdepartmental Assistant Deputy Ministers committee on National Security (“**ADM-NS**”). He said that ADM-level participants comprised of PCO, CBSA, Transport Canada, CSIS, and other federal departments. His expectation was that these officials would brief more senior officials in their departments on information shared at these meetings.



## RCMP Role in Pre-Arrival Planning & Understanding of OPS Plan

### *Roles of OPS and RCMP*

Commissioner Lucki stated that OPS, not the RCMP, was the lead agency as the police of jurisdiction for the response to the Freedom Convoy in Ottawa. OPS was responsible for planning and the RCMP was not involved in OPS's planning process. Rather, the RCMP's role was to deliver protective policing services (to politicians, international diplomatic premises and representatives, etc.). Commissioner Lucki indicated that it would have been inappropriate for her to interfere in Chief Sloly's planning and intelligence assessment processes.

Deputy Commissioner McDonald explained that it would be operationally irresponsible and a poor strategy for the RCMP to have taken control of the response to the Freedom Convoy in Ottawa. He observed that doing so could exacerbate the situation on the ground by usurping OPS's role. As an example, he commented that in British Columbia, the RCMP would not take over a public order event from the Vancouver Police Department. Instead, it would supply resources upon request by the Vancouver Police Department or in response to a direction from the province under the PPSA. Also, the RCMP did not have the statutory authority to take over operations in Ottawa.

### *OPS-RCMP Coordination Mechanisms*

Mr. Price stated that the National Capital Region Command Centre was stood up on January 28. Deputy Commissioner Duheme described the NCRCC as a hub that is activated for any large-scale event in the National Capital Region to ensure a coordinated multi-agency approach. Between January 28 and February 12, the NCRCC coordinated the Freedom Convoy response and was led by OPS. RCMP protective services representatives were present, and OC Transpo, intelligence, police, and emergency response agencies were also represented. The NCRCC did not employ a GSB command structure. Deputy Commissioner Duheme was not aware of any concerns about how the NCRCC functioned.

Deputy Commissioner Duheme also recalled that the RCMP and OPS used INTERSECT distribution lists to coordinate and disseminate information on behalf of the NCRCC. He described NCRCC as an inter-agency body created to coordinate responses to major incidents in the National Capital Region.

### *RCMP Response to OPS Resource Request*

Commissioner Lucki indicated that she spoke to Chief Sloly and that Deputy Commissioner Duheme spoke with then-Deputy Chief Bell before the Freedom Convoy arrived in Ottawa.

Commissioner Lucki said that, pursuant to Ontario's *Police Services Act*, OPS should first request resources from OPP before approaching the RCMP. Her understanding was that



the OPP Commissioner would, generally, only approach the RCMP if he exhausted Ontario police resources and there were still unmet needs, or if the OPP Commissioner needed RCMP specialized resources. Commissioner Lucki indicated that she did not believe that OPS had exhausted OPP and other Ontario police agency resources at hand when it requested assistance from RCMP before the Freedom Convoy's arrival. She nonetheless provided resources to OPS because the request was modest and the RCMP had a history of cooperating with OPS that dated back to a time when the RCMP maintained a larger number of officers in Ottawa. She explained that the RCMP used to maintain up to 200 officers on Parliament Hill and plan for Canada Day policing jointly with OPS.

#### *RCMP's Understanding of OPS Plans & Intelligence Assessments*

Deputy Commissioner Duheme said OPS informed him that it had developed good relationships with Freedom Convoy leaders. OPS also stated that its plan, based on discussions with Freedom Convoy leaders, was for convoy participants to drop their trailers off at a baseball park outside downtown Ottawa, drive downtown to conduct a slow-roll protest, and then leave downtown Ottawa. His impression was that OPS had developed a good plan and had good relationships with the protestors. It appeared they had the situation in hand.

Commissioner Lucki and Deputy Commissioner Duheme understood that OPS was expecting Freedom Convoy vehicles and participants to leave Ottawa after the January 29-30 weekend. This is what they were led to believe from the OPS. Deputy Commissioner Duheme said that he assumed that Chief Sloly was being briefed on intelligence by his team. He said he expected that Chief Sloly would have requested additional RCMP officers if he had been concerned that he lacked enough resources before the convoy arrived. Deputy Commissioner McDonald's understanding was that OPS knew that many trucks would be arriving in Ottawa, but did not know the end game [parking and staying].

#### *RCMP Contingency Planning*

Deputy Commissioner Duheme indicated that the RCMP prepared contingency plans for protective policing [in light of the pending convoy arrival]. RCMP brought in additional officers to support its protective mandate, including deploying a "public order unit" ("POU") and establishing pre-designated routes to access Parliament. Deputy Commissioner Duheme indicated that he may have been alerted through the CIG that there was intelligence indicating that protestors intended to block access to Parliament.





## The Freedom Convoy in Ottawa: Arrival to Final Enforcement Operation

### *The January 29-30 Weekend*

Commissioner Lucki observed that OPS's initial decision to allow trucks to park on Wellington St. was probably based on the assumption that protestors would leave after the January 29-30 weekend. She stated that a mindset shift occurred at OPS after protestors stayed beyond that weekend, dismantled their trucks, and made them immobile. Deputy Commissioner Duheme observed that he was surprised when OPS permitted trucks and trailers to enter the downtown core on January 28-29, as he understood from the January 27 INTERSECT meeting that OPS had agreed with Freedom Convoy leaders that participants would leave their trailers at the Raymond Chabot Grant Thornton Park before heading downtown.

### *OPS Resource Requests to RCMP*

Commissioner Lucki and Deputy Commissioner Duheme stated that OPS began to request additional resources from RCMP during the week of January 31. OPS made these requests because many Freedom Convoy vehicles and participants did not leave Ottawa as OPS expected. Commissioner Lucki and Deputy Commissioner Duheme recalled that OPS requested 50 frontline officers and POUs on February 2. Commissioner Lucki observed that RCMP supplied the frontline officers but did not supply the POUs immediately. She indicated that she did not supply the POUs immediately because RCMP was facing demands for resources elsewhere in Canada and, as discussed further below, she was concerned that OPS lacked a plan to use the POUs.

Commissioner Lucki recalled that on February 7, Chief Sloly publicly announced that he was requesting 1800 officers from the RCMP and the OPP. The announcement caught the RCMP off guard. Commissioner Lucki found the 1800 number unhelpful because it was not broken down by the categories of officers required. Deputy Commissioner McDonald also commented that it was unusual for Chief Sloly to publicize the resource request.

Commissioner Lucki observed that Ottawa Mayor Jim Watson became involved in the resource request process. Mayor Watson requested RCMP resources from the federal government and told Minister Mendicino that the RCMP was not supplying the resources he requested. Commissioner Lucki stated that Mayor Watson's understanding was incorrect. She understood that Chief Sloly believed these political conversations were necessary to obtain resources. She disagreed and told Chief Sloly that it was unhelpful to involve Mayor Watson in the resource request process because the Mayor did not know how many and what types of officers were required.

Commissioner Lucki indicated that the RCMP met all resource requests OPS made. Deputy Commissioner Duheme stated that RCMP created a resourcing team on February 8 to manage logistics for the additional RCMP officers that were being deployed to Ottawa. By the end of the Freedom Convoy, the RCMP had assigned 1100 employees to



the events in Ottawa. Some of these officers assisted OPS while others provided protective policing services. The 1100 officers were drawn from RCMP divisions across Canada. Deputy Commissioner Brennan stated that the RCMP had the authority to deploy officers between provinces under the PPSAs with each province. Deputy Commissioner Zablocki indicated that RCMP notified provincial governments of the transfer of resources to Ottawa.

Commissioner Lucki stated that non-POU RCMP officers assisting Ottawa needed to be sworn-in under provincial authority so that they could enforce provincial and municipal laws. Deputy Commissioner Duheme observed that the need to swear RCMP officers in under provincial authority in Ontario did not impede the RCMP's efforts to assist OPS and did not prevent the RCMP from performing policing tasks in Ottawa. Deputy Commissioner Duheme noted that the RCMP swore-in officers who came to Ottawa to assist OPS, even after the *Emergency Measures Regulations* were enacted on February 15.

Commissioner Lucki observed that the RCMP did not deploy a Division Liaison Team ("DLT", a unit that liaises with event leaders and participants) to Ottawa. She noted that the RCMP DLTs generally remain in their RCMP division because they have pre-existing relationships with communities and protestors in that division's geographic area. The RCMP does not maintain DLTs in Ontario and Quebec because it does not conduct community policing in those provinces.

#### *RCMP Understanding of and Requests for OPS Plans*

Commissioner Lucki and Deputy Commissioner Duheme explained that OPS's requests for additional resources prompted the RCMP to ask OPS to share its plans [for dealing with the protestors and the deployment of the requested resources]. Commissioner Lucki explained that RCMP required OPS's plans to evaluate OPS's resource requests because RCMP was facing competing needs elsewhere in Canada, including in western Canada and Windsor. The plans would help RCMP determine how it would rotate specialized resources through Ottawa and how long those resources would be required. Deputy Commissioner Brennan explained that OPS's plans would inform the logistics required to deploy RCMP members. Commissioner Lucki also said it was necessary to see the plans to match skills to needs.

Commissioner Lucki and Deputy Commissioner Duheme stated that RCMP became concerned during the week of January 31 that OPS did not have an overall operational plan to end the occupation of Ottawa. Deputy Commissioner Duheme stated that he participated in a January 31 call with OPS where OPS indicated that it wanted to launch aggressive enforcement operations between February 4 and 6. Deputy Commissioner Duheme said he felt that OPS lacked the resources to conduct these operations and had neither the resources nor the plans to sustain them over the long term.

After February 2, Commissioner Lucki became concerned that OPS lacked a plan to use the RCMP and OPP resources that were then assisting OPS. OPP informed



Commissioner Lucki that for several days, OPS had not tasked the OPP Provincial Liaison Team (“**PLT**”, a unit that liaises with event leaders and participants) officers who were in Ottawa to assist OPS. She understood that the OPP supplied PLT resources to OPS at a later stage of the event and that the PLT performed more effectively under OPP command than it had under OPS command.

Commissioner Lucki and Deputy Commissioner Duheme never saw an overall operational plan prepared by OPS. It was not clear to them whether OPS lacked such a plan or was unwilling to share it with the RCMP. Deputy Commissioner Duheme recalled participating in calls in which he asked for OPS’s plan, but he did not receive it. Commissioner Lucki and Deputy Commissioner Duheme recalled that other Ontario police chiefs [who might be asked to contribute resources] also asked Chief Sloly for OPS’s plan, but did not receive it either.

The only OPS plans that Commissioner Lucki and Deputy Commissioner Duheme were aware of were plans to clear protestors from specific protest sites. These plans did not contemplate clearing the entire downtown core of Ottawa. Deputy Commissioner Duheme indicated that OPS did not share these plans with RCMP, but instead would notify the RCMP that it intended to clear a specific site the day before the planned operation. He and Commissioner Lucki both observed that OPS was planning to take specific protest sites but had no plan to hold those sites after they were cleared.

Commissioner Lucki was not sure that the RCMP would have briefed Minister Mendicino on RCMP’s concerns that Chief Sloly and OPS lacked an overall plan to end the occupation.

*Commissioner Lucki’s Interactions with Chief Sloly & Concerns about Chief Sloly’s Public Statements*

Commissioner Lucki had limited exposure to Chief Sloly before he became chief. She had only interacted with him when he was working as a partner at the consulting firm Deloitte before he became OPS Chief. She observed that during the convoy Chief Sloly was under tremendous pressure and at times this impacted his approach and behaviour at meetings, which in turn had participants questioning his credibility.

Commissioner Lucki stated that she disagreed with Chief Sloly’s public statement that there was no policing solution to the Freedom Convoy in Ottawa. She disagreed and believed that the Freedom Convoy in Ottawa was a policing event [an event that could be handled by police]. She told him that it was his role as OPS Chief to resolve the event and that OPS needed to develop a plan to do so.

Commissioner Lucki and Deputy Commissioner Duheme stated that it was unfortunate that Chief Sloly stated at a press conference that OPS officers were tired and needed a break. They observed that Chief Sloly’s statement exposed a vulnerability to protestors.



### *Incident Command Challenges in Ottawa*

Deputy Commissioner Duheme stated he had heard that OPS cycled through a number of incident commanders because Chief Sloly did not get along with them. One incident commander was removed because he did not agree with Chief Sloly's plan and viewed that plan as unsafe. The switches in incident commanders frustrated the RCMP.

Commissioner Lucki and Deputy Commissioner Duheme stated that the OPS incident commanders did not appear to have autonomy to develop and implement a plan and make operational decisions without Chief Sloly's involvement and approval. Commissioner Lucki noted that it seemed like Chief Sloly lacked confidence in his OPS command team. She was aware that there was considerable frustration at OPS with Chief Sloly's leadership.

Commissioner Lucki and Deputy Commissioners Duheme, and McDonald observed that Chief Sloly's approach to incident command was very different from the RCMP's approach. Commissioner Lucki explained that, under RCMP incident command structures, an incident commander would have latitude to establish and execute a plan and control operational decisions. The commander would brief up to higher command levels, possibly including Commissioner Lucki, but would generally not ask for permission to action the plan or conduct operations. Rather, senior command roles would be to establish strategic intent, provide a challenge function and ensure the commander has the resources required to execute the plan. Commissioner Lucki observed that, as Commissioner, she needed to trust her command team. She noted that the RCMP invested considerable time in training and conducting tabletop exercises on incident command so that command-level officers would be familiar with its principles.

### *Potential Negotiations with Protestors*

During the interview, Commissioner Lucki was shown a document titled "Trucker Convoy and Protective Services, Key Messages for DMOC – February 3, 2022 at 2:30 p.m."<sup>2</sup> She recalled that she was the speaker for the key messages in the document. The document contained the following bullet point describing the situation in Ottawa:<sup>3</sup>

"I'll be honest, this may not be something that can be negotiated out of, or resolved only with enforcement. There may need to be some other solutions, maybe the engagement of an interlocutor."

Commissioner Lucki explained that she made this statement because the PLT informed her that protestors wanted to speak with elected officials. However, she observed that negotiations were difficult because the Freedom Convoy was splintered. She also

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<sup>2</sup> **PB.CAN.00000750\_REL.0001.**

<sup>3</sup> *Id.* at .0002.



observed that it is difficult for police to both negotiate and conduct enforcement, such that it may be preferable to engage an external negotiator if initial engagement with police does not produce results.

Deputy Commissioner McDonald commented that the RCMP's practice is to initially use DLT to engage with protestors and educate them on the legal consequences of their actions. However, once it becomes clear that a protestor group is entrenched and is making demands of government that police do not have the authority to grant, he indicated that the RCMP will often inform federal and provincial governments of protestors' demands and that there is a need for a political negotiator to engage with protestors. He noted that employing a negotiator is appropriate if police cannot successfully resolve an incident through enforcement or enforcement would be long and protracted. He advised that this approach ensures that police operate at arm's length from political negotiations and prevents police from appearing duplicitous if police need to conduct enforcement action.

During the week of February 7, Commissioner Lucki learned that Public Safety Deputy Minister Rob Stewart was interested in exploring whether to offer a political figure to negotiate with the Freedom Convoy and, if so, whether that figure should be a municipal, provincial, or federal representative. Commissioner Lucki connected Mr. Stewart with OPP Inspector Marcel Beaudin, who oversaw the OPP's PLT, so that Mr. Stewart could be aware of what the OPP was doing. At the time, the Ontario provincial government was disengaged from the Freedom Convoy in Ottawa.

Commissioner Lucki's view was that it was too early to involve a federal representative in negotiations. She indicated that offering a federal representative to negotiate with the Freedom Convoy was the endgame, and that in negotiations it is unwise to jump to the endgame right away.

Commissioner Lucki was aware that Ottawa Mayor Jim Watson negotiated with Freedom Convoy protestors. She indicated that Mr. Stewart would be familiar with the specifics of those negotiations, as well as the outcome of his discussions with Inspector Beaudin.

*Integrated Planning Team & Establishment of Integrated Command Centre and National GSB Command*

Commissioner Lucki said that an Integrated Planning Team of RCMP and OPP planners arrived in Ottawa during the week of February 7 to assist OPS. The Integrated Planning Team was created in response to OPS's requests for additional resources and pushback from the RCMP and OPP that OPS lacked a plan to use those resources. Two RCMP planners joined the Integrated Planning Team.

Deputy Commissioner Duheme stated that the Integrated Planning Team established a RCMP-OPP-OPS Integrated Command Centre ("ICC") on February 12. ICC combined operational command and planning in a single location and ended OPS's prior practice of locating planners at a different site from the NCRCC operational command, which had





contributed to a disconnect between planning and operational command. ICC was located at RCMP's National Headquarters and employed a GSB command structure. Deputy Commissioner Duheme, OPS Deputy Chief Bell, and OPP Deputy Commissioner Chris Harkins were the gold-level commanders

Deputy Commissioner Duheme and Mr. Price explained that the RCMP established a national GSB command structure during the February 12-13 weekend. RCMP's two regional GSB commands in British Columbia and Alberta reported into the national GSB command.

*Development of February 13 Integrated Plan and Resignation of Chief Sloly*

Commissioner Lucki stated that the Integrated Planning Team promptly generated a plan, which she characterized as an amazing plan. The Team presented this plan to her and Commissioner Carrique on February 13, and they both gave the plan a green light. She also heard that Deputy Chief Bell and OPS Acting Deputy Chief Ferguson would be presenting the plan to Chief Sloly for his sign-off, and assumed that Chief Sloly's sign-off was a *fait accompli*. During the interview, Commissioner Lucki indicated that she was confident in the plan and wanted to see it actioned promptly so that RCMP resources being deployed to Ottawa could be returned to their home divisions. She wanted to see the operation the plan contemplated launched on or about February 15, so that it would be complete before the February 19-20 weekend when additional protestors might arrive.

On February 14, Commissioner Lucki learned that the Integrated Planning Team's plan was not being actioned because Chief Sloly had not signed off on the plan. She heard that Chief Sloly's signature was required to action the plan. She noted that it was unusual for Chief Sloly to need to sign the plan, and that in the RCMP the incident commander, not the Commissioner, signs off on the plan. She understood that Chief Sloly was only permitting bits and pieces of the plan to be actioned, but not the whole plan.

Commissioner Lucki spoke with Chief Sloly on February 14. She told him that he had not signed off on the plan and that his failure to do so was frustrating the implementation of the plan. He responded that he did not need to sign the plan. Commissioner Lucki asked him why the plan was not being actioned and whether he had told his officers that his signature was not required. Chief Sloly responded that he would look into why the plan was not being actioned. However, Commissioner Lucki did not observe meaningful action to implement the plan by OPS later on February 14 or on the morning of February 15. She later learned that Chief Sloly had told OPS officers that they could not implement the plan until he approved it. She did not know if Chief Sloly was ever briefed on the plan.

Commissioner Lucki recalled that discussions about the invocation of the *Emergencies Act* and potential emergency powers were ongoing as she was engaging with Chief Sloly during February 13-15. She participated in conversations concerning the invocation of the *Emergencies Act* in which participants asked whether the *Emergencies Act* could be used to place the RCMP in control of the police response to the Freedom Convoy in Ottawa. Commissioner Lucki stated during those conversations that this was not an option, and



the idea was not discussed in detail. Her understanding was that the OPP could be asked to take control of policing in Ottawa under Ontario's *Police Services Act* by the province of Ontario if there was a loss of confidence in OPS, but that the RCMP had no ability or authority to take control.

On the morning of February 15, Commissioner Lucki asked Commissioner Carrique if he thought the time had come for the OPP to take over policing in Ottawa and if the OPP would be willing to do so. Commissioner Lucki recalled stating during the meeting that enough was enough and that the RCMP, OPP, and OPS needed to move forward and action the plan. Commissioners Carrique and Lucki did not engage in a detailed discussion of whether and how the OPP might take over policing in Ottawa. Commissioner Lucki said that it was unprecedented that she and Commissioner Carrique were even discussing the possibility of the OPP taking control. By this time, Commissioner Lucki was losing confidence in Chief Sloly. She explained during the interview that RCMP resources were flowing into Ottawa and that the RCMP, OPP, and OPS needed to action the Integrated Planning Team's plan promptly because those resources could not remain there forever.

During her February 15 conversation with Commissioner Carrique, Commissioner Lucki learned that Chief Sloly had resigned. She indicated that his resignation came as a surprise to her.

#### *Final Enforcement Operation*

Deputy Commissioner Duheme stated that when the RCMP, OPP, and OPS continued to work together after Chief Sloly's resignation, they resolved the situation in Ottawa promptly. He indicated that the ICC became fully integrated on February 15, the same day that Chief Sloly resigned.

Commissioner Lucki observed that the RCMP, OPP, and OPS decided to launch a two-day operation, rather than the four-day operation that the Integrated Planning Team's plan had originally contemplated. She stated that this decision was made to avoid continuing the operation through the February 19-20 weekend or delaying it until the week of February 21. She was also concerned that delaying the operation could cause the towing companies and drivers that OPP had assembled to support the operation to refuse to participate, as occurred in Coutts when RCMP delayed a planned operation by one day.

The police operation began on February 18. Commissioner Lucki observed that the RCMP, OPP, and OPS had identified eight areas to clear. By the time police cleared the third area, the convoy participants in the remaining areas had largely left those areas.

#### *RCMP Response to the Blockade of the Ambassador Bridge*

Deputy Commissioner Duheme recalled that, on February 10, the Windsor Police Service requested that the RCMP send additional resources to Windsor to assist with the police



response to the blockade of the Ambassador Bridge. Commissioner Lucki observed that the RCMP agreed and sent a POU unit that previously had been stationed in Ottawa to Windsor and then returned the unit to Ottawa, when the situation in Windsor no longer required it.

## RCMP Response to the Coutts Blockade

### *Establishment of Blockade and Initial RCMP Response*

Deputy Commissioner Zablocki explained that RCMP began preparing for a potential blockade of the Coutts POE before a convoy arrived there. K Division had received intelligence that the Coutts POE would be blockaded on January 20, but that blockade did not materialize. A few days before January 29, K Division learned of social media posts indicating that a convoy would be heading to Coutts. RCMP pulled partner agencies together, engaged legal assistance from the federal Department of Justice (“**DOJ**”), and used the Community Conflict Mediation Group (“**CCMG**”) to engage with protestors before they arrived in Coutts.<sup>4</sup>

Deputy Commissioner Zablocki stated that the convoy arrived in Coutts on January 29 and established a blockade that same day. The CCMG began to engage with the protestors. The RCMP had brought in resources to Coutts in advance of the convoy’s arrival, and continued to bring in additional resources during January 29-31. The RCMP established a checkpoint at the intersection of Highway 4 and Highway 501 near the Town of Milk River, north of the Coutts POE, to control access to the blockade site. The RCMP also secured towing capacity from a towing company over the January 29-30 weekend, although the RCMP observed that some towing companies were unwilling to assist.

Deputy Commissioner Zablocki stated that the RCMP initially planned to conduct an enforcement operation and remove blockade vehicles on January 31. The RCMP staged tow trucks near the Coutts POE that day in preparation for the operation. The RCMP postponed the operation because the CCMG engagement was making progress. CCMG’s negotiations with protestors proved unsuccessful later on the evening of January 31, so the RCMP decided to proceed with enforcement on February 1.

Deputy Commissioner Zablocki noted that the RCMP learned on the morning of February 1 that the company providing towing capacity was no longer willing to assist and had changed its position overnight. The RCMP proceeded with the enforcement operation to gain protestor compliance and potentially make arrests. However, the operation became a flashpoint and galvanized local support for the blockade. Additional protestors began to approach the blockade site during the police operation, including by driving farm

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<sup>4</sup> Deputy Commissioner Zablocki explained that CCMG is the equivalent of what other RCMP divisions refer to as DLT and what OPP and OPS refer to as PLT.



equipment across farm fields. The RCMP paused the operation due to officer safety concerns.

*February 2-8: Negotiations with Protestors, Milk River Blockade, and Efforts to Obtain Towing and Additional Resources*

Deputy Commissioner Zablocki stated that the CCMG continued to engage with protestors after the February 1 enforcement operation. On February 2, the CCMG negotiated a partial opening of highway lanes at the Coutts POE on February 2. The lanes remained partially open for nine days over the course of the blockade. However, protestors blocked the lanes on February 8 after Alberta Premier Jason Kenney announced that Alberta would ease pandemic-related public health orders. Protestors did so because they were frustrated that Premier Kenney had not gone further.

Deputy Commissioner Zablocki noted that, on February 2, another group of protestors established a second blockade at the intersection of Highways 4 and 501 near the RCMP checkpoint at Milk River. Protestors established the blockade at Milk River because the RCMP checkpoint prevented them from travelling to Coutts. This blockade prevented traffic from travelling to the Coutts POE after the CCMG partially reopened traffic on February 2. As many as 1000 protestors attended, and brought farm equipment, RVs, trucks, horses, and camping equipment with them. The RCMP received reports that 500 protestors were planning to ride from Milk River to Coutts on horseback, but the ride never materialized.

Deputy Commissioner Zablocki observed that families were present at the Milk River protest site and that the RCMP was concerned about public safety. The RCMP created a lawful protest site on provincial government property near Milk River. The RCMP also created a community engagement stakeholder team of police, mayors, and community members to convince protestors at Milk River to get off the roadway. The number of protestors at Milk River declined after the February 5-6 weekend.

On February 3, Deputy Commissioner Zablocki requested authorization to deploy additional RCMP resources to Coutts under Article 9 of the PPSA with the Government of Alberta. The request was immediately approved and additional RCMP resources arrived from the rest of Alberta and from E Division in British Columbia. E Division provided approximately 50 officers to relieve the existing RCMP officers at Coutts. Commissioner Lucki indicated that she was prepared to pull officers together from RCMP divisions across Canada to deploy to Coutts if E Division did not have sufficient resources to spare. Deputy Commissioner McDonald commented that RCMP members of E Division had the same training, standards, equipment, and de-escalation model as K Division RCMP members, so K Division was able to seamlessly integrate the members that E Division provided.

Deputy Commissioner Zablocki commented that the RCMP made numerous unsuccessful attempts to obtain private towing assistance after February 1. The RCMP contacted 80 towing companies in western Canada and, with CBSA's assistance, in the



western and northwest United States. All those companies refused. Deputy Commissioner McDonald observed that many of the US tow truck drivers were unvaccinated. Deputy Commissioner Zablocki was informed that towing companies were facing online and drive-by harassment by protest supporters, including threats that they would lose business if they cooperated with police. He was also informed that companies that did not cooperate with police received donations. The RCMP engaged with towing association leaders, but Deputy Commissioner Zablocki characterized their response as lip service and noted that those leaders did not make any towing resources available to the RCMP. The RCMP also asked oil field companies to provide heavy equipment that could be used for towing, but those companies were also uncooperative.

Deputy Commissioner Zablocki observed that he requested assistance in obtaining towing from RCMP National Headquarters, which became engaged in exploring options. Commissioner Lucki and Deputy Commissioner Zablocki indicated that the RCMP considered using Canadian Armed Forces towing equipment. The RCMP was informed that the equipment would not be useful to police.

Deputy Commissioner Zablocki stated that the Alberta provincial government ultimately secured towing for the RCMP. Deputy Commissioner Zablocki spoke with Alberta Municipal Affairs and identified what equipment would be useful to the RCMP. Alberta purchased heavy duty towing equipment following that conversation. The equipment was ready for deployment on February 14 but was not used that day.

*February 9-15: Investigation, Raid, and Resolution of Blockade*

Deputy Commissioner Zablocki stated that the RCMP learned on or around February 9 that there might be a cache of weapons at the Coutts blockade site. The CCMG had previously engaged with members of the protestor group who had violent ideologies and posed a threat to officer safety. RCMP was accordingly concerned by the information about a potential weapons cache and investigated over the next four days. The investigation confirmed that there was likely a weapons cache at the blockade site. The RCMP drafted search warrants and prepared to execute them.

Deputy Commissioner Zablocki stated that the RCMP executed the search warrants on the night of February 13. The RCMP executed the warrants that night because a tractor breached the RCMP security perimeter around the Coutts blockade site that evening, nearly hit an RCMP vehicle, and then fled to protestors' headquarters in the Smuggler's Inn in Coutts. The RCMP executed the search warrants at the Smuggler's Inn, an adjacent residence, and a trailer. The RCMP seized 13 long guns and large amounts of ammunition and arrested three of the four principal suspects. By the following day, the RCMP made eight additional arrests of suspects associated with the guns and ammunition seized. Commissioner Lucki explained that she informed Minister Mendicino and Ms. Thomas shortly before the RCMP executed the search warrants that the RCMP was in the midst of a criminal investigation so they learned of the raid before the media did.





Deputy Commissioner Zablocki commented that the RCMP promptly resolved the blockade after the February 13 night enforcement action. It became apparent to the RCMP that protestors were attempting to distance themselves from the splinter group associated with the weapons cache. On February 14, the CCMG and a DOJ lawyer met with protest leaders and their counsel. The protest leaders asked for immunity from criminal prosecution. They were informed that this option was not on the table. The protest leaders then agreed to reopen lanes and asked to stay on site on February 14 and depart on the morning of February 15. RCMP agreed on the condition that protestors dismantled the blockade and provided RCMP the keys to their equipment. The protestors complied with these conditions and departed on the morning of February 15. As the protestors prepared to leave, certain protestors approached RCMP members performing their duties and hugged them. The RCMP members accepted the hugs in order to treat the protestors respectfully. Commissioner Lucki observed that many of the protestors were local community members, and Deputy Commissioner Zablocki noted one of the main protest leaders is a town councillor in a community near Coutts.

#### *Subsequent Criminal Investigations*

Deputy Commissioner McDonald stated that RCMP criminal investigations are still ongoing and that RCMP recently arrested one of the protest leaders, in Fort McCloud. Within an hour of the individual's arrest, 30-40 people had gathered at the local RCMP detachment. That number soon grew to 100 and later almost 500 people were protesting. Some of them brought farm equipment and tractors to the protest. The protest remained lawful and peaceful.

### **British Columbia Blockades and Protests**

#### *RCMP Preparation and Posture for Policing Protests and Blockades*

Deputy Commissioner McDonald explained that E Division began preparing for potential protests and blockades starting in mid-January. In early 2022, British Columbia was recovering from a series of crises and disruptions, including wildfires in summer 2021, flooding in November 2021 that closed certain highways, and the impact of the COVID-19 pandemic. Deputy Commissioner McDonald determined that British Columbia could not afford any blockades because it was just beginning to recover from these disruptions.

Deputy Commissioner McDonald developed a plan to address potential blockades and instituted a provincial GSB command. The RCMP planned to surge officers to potential blockade sites, as E Division had previously done in response to the Coastal Gas Link and Fairy Creek protests. He also asked E Division's Community Industry Response Group ("CIRG") to engage with protestors in advance of their arrival at protest sites. E Division's posture was influenced by its previous experience with Coastal Gas Link protests and by observing the Freedom Convoy in Ottawa. Deputy Commissioner McDonald knew that permitting vehicles to enter a protest site would cause RCMP significant challenges. He determined that RCMP could not permit vehicles to stop and



asked the CIRG to communicate that to protestors in advance of their arrival at a protest site.

Deputy Commissioner McDonald stated that, in January and February 2022, the RCMP assisted with protests at the British Columbia Legislature in Victoria, in Osoyoos, and at border crossings. The RCMP policed rolling convoys throughout British Columbia from before the Freedom Convoy arrived in Ottawa until February 20. The RCMP's posture during this period was to facilitate lawful protest while also enforcing the law and ensuring public safety.

#### *RCMP Response to the Pacific Highway POE Protests*

Deputy Commissioner McDonald reported that on February 12 a large crowd of protestors assembled near the Pacific Highway POE in Surrey. The crowd varied from 1,000 to 3,000 protestors at the highpoint and there was a celebratory atmosphere. While most protestors were easy to manage, a subgroup of 20 to 40 protestors were more disruptive. This subgroup was characterized by dislike for Prime Minister Trudeau and public health mandates. During the protest, a green-painted truck and other vehicles associated with this protestor sub-group found a route through police barricades and blocked road access to the Pacific Highway POE.

Deputy Commissioner McDonald observed that media reports on protest activity at the Pacific Highway POE were not always accurate. For instance, the media reported that an army vehicle breached police barricades. In fact, the vehicle in question was a green-painted truck that found a way through police barricades. Similarly, the RCMP was unable to confirm media reporting that members of the Soldiers of Odin, a white nationalist group, were present at the protest site.

Deputy Commissioner McDonald stated that the RCMP established that checkpoints near the Pacific Highway POE to control vehicle access and redirect traffic to other border crossings. The RCMP primarily redirected traffic to the Aldergrove and Peace Arch POEs, which did not experience protest activity but had fewer lanes than the Pacific Highway POE. Large lines formed at these POEs due to the redirection of traffic.

Deputy Commissioner McDonald observed that the group of protestors at the Pacific Highway POE shrunk after the February 12-13 weekend. By the end of that weekend, only a hard core of 20-30 protestors remained. The RCMP made several arrests on February 13-14 and removed protestors from the vicinity of the Pacific Highway POE. Large RCMP vehicles pushed protestor vehicles into a ditch to clear roadways.

Deputy Commissioner McDonald toured the Pacific Highway POE area in a helicopter on February 14 and decided to reopen the border. He explained that the provincial Assistant Deputy Minister for Public Safety and the Solicitor General expressed concern about the length of border closures at the Pacific Highway POE. The RCMP maintained a presence near the Pacific Highway POE during the next 2-3 weeks to conduct commercial vehicle checks and facilitate lawful protest.



Deputy Commissioner McDonald observed that E Division was unable to obtain any tow trucks in British Columbia. The provincial government attempted to purchase towing equipment for the RCMP's use. Ultimately, the RCMP did not require towing capacity to clear the Pacific Highway POE blockade because it used large RCMP vehicles to push protestor vehicles into a ditch instead.

### *Commissioner Lucki's Participation in Discussions Concerning the Invocation of the *Emergencies Act* and Potential Emergency Powers*

Commissioner Lucki recalled that discussions about the invocation of the *Emergencies Act* and potential emergency powers were ongoing during February 13-15. She participated in some of these discussions and provided information to facilitate them. She did not take a position on or advise government on whether it was appropriate to declare an emergency and whether the thresholds set out in the *Emergencies Act* were met. She viewed those questions as matters for Cabinet to decide. Rather, she understood that her role was to inform Cabinet on whether it was necessary for the RCMP to use emergency powers to resolve the Freedom Convoy-related blockades and protests and what powers would be useful to the RCMP to assist in resolving the situation.

#### *February 13 Key Messages Document*

During the interview, Commissioner Lucki was shown a document titled "Trucker Convoy and Protective Services, Key Messages – February 13, 2022."<sup>5</sup> She recognized this document and stated that it was prepared for her use at an IRG or a Deputy Ministers' meeting on February 13.

The "Ottawa" section of the February 13 key messages document contains the following statement:<sup>6</sup>

"I will make it clear, there will, eventually be an ugly resolve to this. It is about minimizing the impact to public safety and taking our kinetic action when it is optimal and required."

Commissioner Lucki explained that she was concerned that police might need to use force to clear the protest sites in downtown Ottawa. She wanted to ensure that Deputy Ministers were prepared for this potential, as well as for media coverage of police pushing protestors to the ground, hand-cuffing them, taking them away, and arresting them. Deputy Commissioner Duheme observed that the RCMP was aware of some intelligence indicating that protestors were hunkering down and refusing to leave. Commissioner Lucki stated that she wanted to avoid the use of force if not required. To illustrate her

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<sup>5</sup> PB.CAN.00000774\_REL.0001.

<sup>6</sup> *Id.* at .0003.



desire to obtain a peaceful resolution if possible, she pointed to a passage of the document that stated: “If protestors are listening, leaving peacefully, with significantly assessed progression, we will allow each day’s results to show for it before taking that action.”<sup>7</sup>

*February 13 Bullet Points on Potential Emergency Powers*

On February 13 at 7:56 p.m., Mike Jones, Minister Mendicino’s Chief of Staff, sent Minister Mendicino an email titled “List” and containing a series of bullet points that Mr. Jones described as “[r]esponses from the commissioner.”<sup>8</sup> Commissioner Lucki recalled providing these bullet points to Mr. Jones to share with Minister Mendicino in response to the Minister’s request that the RCMP provide the following two lists: (1) critical infrastructure facilities that Freedom Convoy activity had affected, and (2) emergency powers that would be useful to the RCMP and other police departments to resolve Freedom Convoy-affiliated protests and blockades. She indicated that she was asked to provide both lists within 24 hours and in advance of the Cabinet meeting scheduled for 8:30 p.m. on February 13. Commissioner Lucki could not recall if she attended that Cabinet meeting. She indicated that, if she did attend, she was not presenting information and was only there to answer questions. Deputy Commissioner Duheme also recalled that discussions of declaring an emergency and potential emergency powers were proceeding rapidly on February 13.

Commissioner Lucki sought input from RCMP divisions and from other police agencies on both lists that Minister Mendicino requested. Within the RCMP, she asked K Division, E Division, and the RCMP’s Manitoba D Division to provide input. The RCMP also asked the Canadian Association of Chiefs of Police to coordinate input from police agencies affected by Freedom Convoy-related activity, including the Windsor Police Service, the Toronto Police Service, the Service de police de la ville de Gatineau, and the Service de police de la Ville de Montréal. She indicated that she canvassed these police agencies because the RCMP were not the police of jurisdiction in Ontario and Quebec and she accordingly did not feel that the RCMP could answer on its own. She also indicated that Minister Mendicino used the RCMP as a point of contact for other police agencies in Canada during discussions about potential emergency powers.

The February 13 at 7:56 p.m. email contained the following two bullet points:<sup>9</sup>

- “This said, I am of the view that we have not yet exhausted all available tools that are already available through the existing legislation. There are instances where

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<sup>7</sup> *Id.*

<sup>8</sup> **SSM.NSC.CAN.00002280\_REL.0001**. The email records that it was sent at 00:56 a.m. UTC on February 14, which is 7:56 p.m. EST on February 13.

<sup>9</sup> *Id.* at .0002.



charges could be laid under existing authorities for various *Criminal Code* offences occurring right now in the context of the protest. The Ontario *Provincial Emergencies Act* just enacted will also help in providing additional deterrent tools to our existing toolbox.

- These existing tools are considered in our existing plans and will be used in due course as necessary.”

Commissioner Lucki indicated that she provided these bullets to Mr. Jones to ensure that the federal government had a full picture of information relevant to whether to invoke the *Emergencies Act*. She indicated that the RCMP had been effectively dealing with protests and blockades under the *Criminal Code* in areas where the RCMP was the police of jurisdiction and could do a lot with existing tools in those areas. She observed that the RCMP had not yet dissected Ontario’s provincial emergency declaration, but it was similar to the powers conferred under Alberta’s *Critical Infrastructure Defence Act*. She acknowledged that the RCMP did experience challenges obtaining towing.

Commissioner Lucki explained that she provided the talking points on behalf of all police agencies in Canada and that authorities that might not be necessary in areas where the RCMP were the police of jurisdiction could be necessary and useful for other police agencies. At the time, she was more concerned about the situation in Ottawa than in areas where the RCMP were the police of jurisdiction. She noted that in Ottawa, any tool that would help reduce the numbers of protestors and vehicles, reduce the number of children at the protest site, and prevent additional children from attending the protest site would assist police. She wanted to reduce the number of protestors in Ottawa to a hard core by giving other protestors the opportunity to leave and then establishing a geographical control zone around the remaining hard core protestor group.

Commissioner Lucki indicated that some potential powers discussed in the talking points, such as disrupting cell phone communications, were not included in the *Emergency Measures Regulations*.

#### *February 13 Talking Points for Minister Mendicino and Ms. Thomas*

On February 13 at 8:03 p.m., Commissioner Lucki sent an email titled “Talking Points” to Minister Mendicino and Ms. Thomas.<sup>10</sup> She indicated that she provided these talking points for Minister Mendicino and Ms. Thomas to use at the February 13 at 8:30 p.m. Cabinet meeting.

One of the talking points in the February 13 email stated that “Over the last 10 days, the RCMP effectively managed a number of protests and prevented blockades across the

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<sup>10</sup> **SSM.NSC.CAN.00002266\_REL.0001**. The email records that it was sent at 1:03 a.m. UTC on February 14, which is 8:03 p.m. EST on February 13.





country.”<sup>11</sup> Commissioner Lucki indicated that she wanted Minister Mendicino and Ms. Thomas to know that RCMP did not need the *Emergencies Act* to manage many of the protests it was facing in provinces where it was the police of jurisdiction. She stated that RCMP had learned from the Ottawa experience not to permit trucks to stop and immobilize themselves. She explained that this talking point only addressed protest and blockade activity in regions where the RCMP were the police of jurisdiction.

The February 13 email also contained the following statement:<sup>12</sup>

“You may have heard that a tractor trailer with approximately 3,400 firearms was stolen overnight in Peterborough. The firearms are reported to be 22 calibre rifles. There is an ongoing investigation led by the police in Peterborough. The OPP and RCMP are also involved. We don't know if it is related to the current protest but I can assure you we are treating it as a national security matter and have a National Security team working on it.”

Commissioner Lucki stated that RCMP never detected any links between the theft of the firearms and the Freedom Convoy protests.

The February 13 email stated that “RCMP are on the cusp of enforcement in Coutts.”<sup>13</sup> Commissioner Lucki stated that by “cusp,” she meant that enforcement would occur during the next few days. She indicated that she was referring to a police operation to clear the blockade, not to RCMP's investigation into the subgroup of protestors associated with the firearms cache.

### Police Use and Effectiveness of Powers Granted Under the *Emergencies Act*

During the interview, Commissioner Lucki referenced three principal powers that the *Emergency Measures Regulations* and/or the *Emergency Economic Measures Order* granted to the RCMP: (1) authority to compel towing operators to provide tow trucks, (2) authority to freeze protestors' financial accounts, and (3) authorities to restrict movement to protest sites. Each of these powers is discussed below.

#### *Towing Powers*

Commissioner Lucki's understanding was that the *Emergency Measures Regulations* granted the RCMP the power to compel towing operators to provide tow trucks, but that the RCMP lacked authority to compel drivers to drive those trucks. She noted that the RCMP assembled a list of officers with appropriate licenses to drive tow trucks. The

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<sup>11</sup> *Id.* at .0001.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* at .0002.



RCMP delegated the authority to compel towing operators to provide trucks to Commissioner Carrique, who in turn sub-delegated that authority to OPP officers. The RCMP did not delegate this authority to OPS since it had delegated it to OPP who had then tasked it as part of the integrated plan.

Commissioner Lucki stated that RCMP never used the power to compel tow operators to provide tow trucks in areas where the RCMP were the police of jurisdiction. After the *Emergencies Act* was declared, drivers agreed to assist police as long as they were not identified. She commented that drivers may have agreed because they knew that the RCMP had the ability to compel them to provide their vehicles. She was unsure if the RCMP could have assembled tow trucks without the *Emergencies Act*.

Deputy Commissioner Duheme stated that the OPP coordinated assembling tow trucks and drivers for Ottawa. He recalled that the OPP assembled tow trucks from elsewhere in Ontario. Commissioner Lucki noted that 15-to-20 of the tow trucks that the OPP assembled were based in RCMP National Headquarters in Ottawa. Police stripped the decals from the trucks and replaced them with OPP logos, and the drivers wore balaclavas so protestors could not identify them. Commissioner Lucki and Deputy Commissioner Duheme were not aware if the OPP had assembled the tow trucks before or after the *Emergencies Act* was declared.

#### *Account Freezing Powers*

Commissioner Lucki observed that the power to freeze accounts granted under the *Emergency Economic Measures Order* helped the RCMP, OPP, and OPS to shrink the footprint of Ottawa protestors. She recalled hearing that protestors left Ottawa because their accounts were frozen and they could not purchase or otherwise obtain gas for their vehicles. Deputy Commissioner Duheme also characterized the power to freeze accounts as a deterrent to protestors.

#### *Powers to Restrict Movement*

Commissioner Lucki stated that the RCMP, OPP, and OPS used the power to restrict access to protest sites in the *Emergency Measures Regulations* to help shrink the footprint of Ottawa protestors. Deputy Commissioner Duheme stated that OPS established a controlled access zone around the protest sites in downtown Ottawa and enforced the *Emergency Measures Regulations* to stop people from entering that zone. Commissioner Lucki recalled that police also used powers granted under the *Emergency Measures Regulations* to interdict convoys travelling to Ottawa.

#### *PLT Emergency Powers Messaging & Deterrent Effect*

Commissioner Lucki and Deputy Commissioner Duheme recalled that OPS and OPP PLT began messaging to Ottawa protestors on February 16 about the emergency powers granted under the *Emergencies Act*. Deputy Commissioner Duheme stated that the



messaging told protestors that they must leave, and Commissioner Lucki stated that the messaging did in fact convince some protestors to leave.

Commissioner Lucki observed that the federal emergency declaration sent a message to protestors that the federal government and police meant business. Deputy Commissioner Duheme noted that the federal emergency declaration may have influenced Freedom Convoy supporters not to come to Ottawa on the weekend of February 19-20.

### [Lessons and Recommendations for the Future](#)

Commissioner Lucki observed that protests like the Freedom Convoy are not going away. She stated that the RCMP is considering whether additional police authorities to manage unlawful protests would be useful.

Deputy Commissioner Duheme observed that the Rolling Thunder protests in late April 2022 showed that OPS had learned from the Freedom Convoy. He noted that OPS negotiated with Rolling Thunder protestors that a small number of motorcycles could stop in the downtown core, but that all other motorcycles and vehicles had to drive by.